REMARKS

This application pertains to a novel flexible polyamide-containing film. The novel film has outstanding optical properties, a high degree of stiffness and good surface slip (page 8, lines 1-8; page 13, lines 30-32).

Claims 1-9 are pending, although claims 7-9 have been withdrawn from consideration as drawn to a non-elected invention.

It is respectfully requested that upon the allowance of elected subject matter the non-elected claims be rejoined (MPEP 821.04).

Claims 1, 3, 4 and 6 stand rejected under 35 USC 102(b) as anticipated by Maxfield et al (US 5,385,776).

Initially, Applicants note that the Examiner apparently confuses microns (10^{-6} m) with nanometers (10^{-9} m).

Maxfield et al disclose a polyamide polymer matrix at least about 10 weight percent of which are in the gamma phase. Dispersed in said gamma phase of the polyamide polymer matrix is an inorganic particulate material. The Examiner considers the particulate material disclosed as a nucleating agent. According to Maxfield, the amount of the inorganic particulate material is that which is sufficient to increase the gamma content of a *gamma phase polymer* (column 3, lines 63+). A person skilled in

the art would therefore assume that the gamma phase, i.e., the crystallites, existed in th polymer before addition of the particulate material and that the particulate material only contributes in some way to increase its amount. It is neither disclosed nor known (at that time) which role the particulate material plays exactly. Without the benefit of Applicants' disclosure, those skilled in the art would have no reason to believe that the particulate material acts as a crystal nucleus for the gamma phase crystallites.

In addition, nothing is taught or suggested about the size and amount of crystallites in the gamma phase, or that said particulate material has to be the *nucleus* of said crystallites in the gamma phase of the polymer.

The composite of Maxfield's invention is preferably prepared by shearing one or more gamma phase polyamides with one or more particulate materials (column 5, lines 34+). Again, this implies that the gamma phase in the polyamide existed before said polyamide came in contact with the particulate material.

Maxfield neither teaches nor suggests a special size of crystallites in the gamma phase of the polyamide which achieves the desired properties that Applicants have been able to produce.

Maxfield's polymer films show e.g. an improved water resistance, but Maxfield does not teach or suggest anything at all about the importance of the optical appearance or low after-shrinkage.

Therefore, introducing a nucleating agent to *cause* the polyamide to crystallize is a highly inventive step in the light of the desired properties of the packaging film. Only with *many* and *small* (i.e., in a distinct size range) crystallites, which can only be achieved and controlled if the particulate material is their crystal nucleus, can the desired optical properties and low after-shrinkage, in combination with the stiffness and surface slip be achieved. This is shown by Applicants' extensive examples.

Accordingly, the rejection of claims 1, 3, 4 and 6 under 35 USC 102(b) as anticipated by Maxfield should now be withdrawn.

Claims 1-6 stand rejected under 35 USC 103(a) as obvious over Goehring et al (US 3,791,915) in view of Maxfield (US 5,385,776).

Goehring et al disclose a multilayer laminated polyamide-polyethylene copolymer film, comprising a polyamide layer, at least a layer of a blend of polyethylene and a zinc-neutralized ionic copolymer and a layer of a zinc-neutralized ionic copolymer. The polyamide layer does *not* contain inorganic, i.e., particulate material. The polymer films show excellent heat sealability and an improved water resistance. Goehring does not mention anything about optical appearance or low after-shrinkage.

Applicants' film attains a suitable degree of rigidity in the absence of any zinc compound.

Furthermore, Goehring's films are manufactured by *lamination*. Applicants'

material by contrast is produced by extrusion techniques. There is no reason why an artisan would consult Goehring et al if he wants to produce his polymer films by extrusion.

The composition of the film itself, the method of producing it, and its properties are so different from Applicants' film that an artisan has no reason to combine the inventions of Maxfield et al and Goehring et al, and, in fact, it would not even by possible to combine these two references to arrive at the claimed invention.

The rejection of claims 1-6 under 35 USC 103(a) as obvious over Goehring in view of Maxfield should accordingly now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-9 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted

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By _____
Julie Harting
Date October 9, 2003